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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,046	02/18/2004	Andrew Barnakian	13420	8398

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SHELDON & MAK, INC
225 SOUTH LAKE AVENUE
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PASADENA, CA 91101

EXAMINER

LEE, JONG SUK

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,046

Applicant(s)

BARMAKIAN ET AL.

Examiner

Jong-Suk (James) Lee

Art Unit

3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be amended to be commensurate with the claimed invention, i.e., **Composite Structure and Forming Method**.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8, 9, 19, 23, 29, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lablanc et al (US 4,411,556).

Lablanc et al discloses a barge bumper structure and an inherent method of construction, the structure comprising an elongate tubular member (3) having first and second ends, a length of at least 10 feet, an outside surface defining an outer cross-sectional area of at least 28 square inches at a first location along the tubular member, and an inside surface defining a wall thickness not more than 10 percent of an equivalent diameter of the outer cross-sectional area at the first location; and a resilient plastic body (6) encapsulating only a portion of the outside

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surface of the tubular member including a portion proximal to the first end, the plastic body extending on the outside surface of the tubular member not closer to the second end than 20 percent of length of the tubular member, wherein the encapsulation extends lengthwise on the outside surface of the tubular member for least three equivalent diameters of the outer cross-sectional area, the encapsulated the first end, wherein portion of the tubular member extends the tubular member, wherein the plastic body approximately flush with the first end of the tubular member, the plastic body further comprising elastomeric material, such as #60 to #70 Shore A Durometer by placing a injection mold and filling the material into the mold and heating (col.4, lines 39-52), the tubular member being driven into the soil for positioning the plastic body as a cushioned barrier above the soil (see Figs. 1-2; col.3, lines 30-68; col.4, lines 1-68; col.5, lines 1-63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,630,998).

Parsons discloses a mock training baton/composite structure comprising an elongate tubular member (14) having first and second ends, an outside surface defining an outer cross-sectional area at a first location along the tubular member, and an inside surface defining a wall thickness; and a resilient plastic body (22) encapsulating only a portion of the outside surface of the tubular member including a portion proximal to the first end, the plastic body extending on the outside surface of the tubular member, wherein the encapsulation extends lengthwise on the outside surface of the tubular member for least three equivalent diameters of the outer cross-sectional area, the encapsulated the first end, wherein portion of the tubular member extends the tubular member, wherein encapsulates the first end of the tubular the plastic body member, wherein the plastic body also substantially fills an axially extending portion of the tubular member as depicted in Fig. 3, the plastic body being made of polymeric material, such as foam (col.2, lines 47-58) (see Figs. 1-9; col.5, lines 32-68; col.6, lines 1-67; col.7, lines 1-59).

Although Parsons fails to discloses the specific dimensions of the structure, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to change the dimension of the structure in order to provide the structure/baton according to the requirement of the use.

6. Claims 10-18, 20-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lablanc et al in view of Barmakian (US 6,244,014). The teachings of Lablanc et al have been discussed above.

However, Lablanc et al fails to disclose or fairly suggest a reinforcing element contacting the inside surface of the tubular member and the further details of the tubular member such as an elongate reinforcing member being shaped to be a loop or helically formed.

Barmakian discloses a steel rod-reinforcing plastic piling comprising an elongate tubular member (48) having first and second ends, a reinforcing element (16, 19) contacting the inside surface of the tubular member, wherein element comprises a shear-resistant material substantially filling the tubular member, wherein the shear-resistant material concrete, the reinforcing element comprises an elongate reinforcing member extending within the tubular member and being in proximate contact with a portion only of the inside surface thereof, and longitudinally distributed plurality of loop elements which are helically formed, wherein adjacent loop elements of the reinforcing member have a pitch spacing between approximately 25 percent and approximately 70 percent of the equivalent diameter of the tubular member, the filling material for the piling may be low-density polyethylene which at least 60 percent being linear low density stretch film polyethylene, the additive component including an effective amount of an ultraviolet inhibitor (see Figs. 1-5; abstract; col.3, lines 61-67; col.4, lines 1-67; col.6, lines 17-67; col.7, lines 1-54).

Therefore, in view of Barmakian, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to add the reinforcing member with filling material to the member of Lablanc et al in order to enhance the reinforcement of the tubular member to the impact of vortex induced vibrations of sea water and the ship.

Conclusion

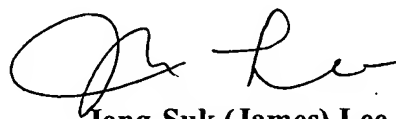
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose an energy dissipating structure, a dock fender and shock absorber and a floating moorage device for use with piles or dolphins.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk James can be reached on (703) 308-6777 Heather C. Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl
December 8, 2004


Jong-Suk (James) Lee
Primary Examiner
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